

**LANDS TRIBUNAL FOR NORTHERN IRELAND**  
**LANDS TRIBUNAL AND COMPENSATION ACT (NORTHERN IRELAND) 1964**  
**BUSINESS TENANCIES (NORTHERN IRELAND) ORDER 1996**

**BT/34/2002**

**BETWEEN**

**EDWARD FRANCIS WELSH ORR AND PHILIP CLAUD ORR- APPLICANTS**

**AND**

**PETER BUCHANAN – RESPONDENT**

**Premises – 9 Market Street, Portadown, County Armagh**

**Lands Tribunal – Michael R Curry FRICS IRRV MCI.Arb Hon.FIAVI**

**Craigavon – 9<sup>th</sup> September 2002**

1. On 29<sup>th</sup> October 2001 the Applicants served a Notice to Determine under Article 6 of the Business Tenancies (Northern Ireland) Order 1996 ('the 1996 Order') terminating the tenancy of 9 Market Street, Portadown on 4<sup>th</sup> May 2002 and opposing a tenancy application on grounds of persistent delay in paying rent which had become due. On 29<sup>th</sup> April 2002 the Applicants made a Tenancy Application to this Tribunal applying for an Order that the Respondent is not entitled to the grant of a new tenancy.
2. After a number of unsuccessful attempts to bring the parties together before the Tribunal, a mention finally was fixed for 6<sup>th</sup> August, the Tribunal having indicated that it was minded to fix a date for Hearing. The Respondent did not attend. The Tribunal directed that the Registrar fix a date for Hearing on a Monday at a courthouse convenient to the premises (the Respondent earlier having indicated to the Registrar that a Monday date best suited him). The Registrar fixed the Hearing for Monday 9<sup>th</sup> September 2002 at Craigavon courthouse. The Tribunal gave a summary Decision and now briefly sets out its reasons.
3. Stephen Elliott BL appeared for the Applicants, instructed by Simmons Meglaughlin & Orr (both the applicants are partners in that firm of solicitors). There was no appearance by or on behalf of the Respondent.

4. Although the Respondents had continued to occupy the premises after the date of termination in the Notice, they had not at any time sought a new tenancy and Mr Elliott invited the Tribunal to fix a date for termination of the current tenancy. He did not seek any variation of the rent payable.
5. Under Article 11 of the 1996 Order, where a Notice to Determine has been served and a Tenancy Application has been made the Tribunal has a discretion to allow 3 months from the date the application is finally disposed of or fix some other date for termination of the tenancy. To all appearances, the Respondent had ceased to occupy the premises and to extend the date for termination would add to his rental obligations. Mr Elliott therefore suggested that the tenancy should end almost immediately and proposed the 13<sup>th</sup> September 2002. The Tribunal agrees.
6. By letter dated 23<sup>rd</sup> August 2002 the Applicants had informed the Tenant that they would seek to recover their costs. The Applicants have succeeded and they are entitled to be awarded costs. Mr Elliott suggested that an amount of £500 would be appropriate. In all the circumstances, the Tribunal agrees that £500 to cover all fees, outlays, expenses and VAT is not unreasonable.
7. The Tribunal orders accordingly.

**ORDERS ACCORDINGLY**

**10<sup>th</sup> September 2002**

**Mr M R Curry FRICS IRRV MCI.Arb Hon.FIAVI  
LANDS TRIBUNAL FOR NORTHERN IRELAND**

**Appearances:**

**Applicants: Stephen Elliott BL, instructed by Simmons Meglaughlin & Orr.**